

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ORDER

STIEHL, District Judge:

Before the Court is defendant's motion to continue the trial, currently set for June 21, 2005.

Defendant's counsel seeks a continuance on the grounds that he is currently involved in a federal

death penalty trial, *United States v. Hyles*, 01-CR-73-HEA in the Eastern District of Missouri.

Defense counsel will, at the conclusion of the *Hyles* case, need an additional period of time to adequately prepare for trial in this matter. The Court notes that the defendant has filed a waiver of his right to a speedy trial. The Court finds that the waiver was made knowingly and voluntarily.

Upon review of the record, the Court finds that the defendant's counsel has exercised due diligence in preparing for trial. The Court further finds due to the conflict with *United States v. Hyles*, a complex death penalty case, that it is appropriate, reasonable and necessary to continue the matter from this Court's June 21, 2005, trial docket to allow defense counsel additional time to prepare for this trial once the *Hyles* matter is concluded. The Court **FINDS** that failure to grant a continuance in this matter would deny counsel for the defendant reasonable time necessary to prepare for trial and that the end of justice would be best served by granting the continuance. **18**

U.S.C. § 3161(h)(8)(B)(i) & (B)(ii); § 3161(h)(1)(D)

Accordingly, the Court **GRANTS** defendant's motion for a continuance. This matter is

HEREBY continued for trial until Tuesday, August 9, 2005, at 9:00 A.M. The Final Pre-Trial in this matter is scheduled for July 29, 2005, at 11:00 A.M. All time between the filing of this motion and the new trial date shall be excluded for purposes of speedy trial calculations under § 3161.

IT IS SO ORDERED.

DATED: June 6, 2005.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE